

Apr. 18. 2003 1:08PM

No. 1132 P. 1
98 (NE)
Amdt
SDavis
4/28/03

Patent
Attorney Docket No. ITW7510.008

U. Brown
5/6/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

APR 18 2003

TECHNOLOGY CENTER 2800

In re Application of : Deonarine, Victor I.
Serial No. : 09/683,353
Filed : December 18, 2001
For : DUAL TEMPERATURE INDICATOR STICK HOLDER
Group Art No. : 2859
Examiner : DeJesus, Lydia M.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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37 CFR 1.8(a)

37 CFR 1.10

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Date: 4/8/03

Janet DeJesus
Signature

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refer
4/8/03

Assistant Commissioner for Patents
Washington DC 20231

AMENDMENT/RESPONSE

Dear Sir:

5/05/2003 DSASFAL 00000009 09683353 Responsive to the Office Action mailed December 20, 2002, please amend the

1 FC:1202

Application as follows:

Received from < > at 4/18/03 2:10:54 PM (Eastern Daylight Time)

Refund Ref: 10/13/2005 0030026160
Credit Card Refund Total: \$324.00
Header C: XXXXXXXXXXXX3852
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05/05/2003 DSASFAL 00000009 09683353
01 FC:1202 -324.00 DP

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Customer No. 33647

Patent Application
Attorney Docket No. ITW7510.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Deonarine, Victor I.
Serial No. : 09/683,353
Filing Date : 12/18/2001
For : Dual Temperature Indicator Stick Holder
Group Art No. : 2859
Examiner : Jagan, M.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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Date: 8-31-05

Signature

Lisa J. Chaney

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATUS INQUIRY

Dear Sir:

More than eleven (11) months have passed since the filing of Applicant's second submission of Petition for Refund filed on September 23, 2004. Applicant's first submission of Petition for Refund was filed August 21, 2003, more than two (2) years ago. A copy of both of Applicant's Petition submissions is included herewith.

Patent Application Serial No. 09/683,353
Attorney Docket No. ITW7510.008

No communication has been received from the Patent and Trademark Office indicating action on this Petition. Kindly advise the undersigned of the present status of this Petition, and/or when a Decision can be expected, by completing the next page and returning to the address below.

Respectfully submitted,



Kirk L. Deheck
Registration No. 55,782
Telephone (262) 376-5170 Ext. 16
kld@zpspatents.com

Dated: August 31, 2005

P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
14135 North Cedarburg Road
Mequon, WI 53097-1416
(262) 376-5170

US PATENT & TRADEMARK
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PATENT & TRADEMARK
OFFICE

Patent Application Serial No. 09/683,353
Attorney Docket No. ITW7510.008

STATUS INQUIRY REPLY

APPLICANT'S PETITION originally filed August 21, 2003, and resubmitted September 23, 2004, is currently:

Assigned to Group 2859 and awaits: _____

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PATENT & TRADEMARK OFFICE

Patent
Attorney Docket No. ITW7510.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Deonarine, Victor I.
Serial No. : 09/683,353
Filed : December 18, 2001
For : **DUAL TEMPERATURE INDICATOR STICK HOLDER**
Group Art No. : 2859
Examiner : Jagan, M.

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Date: 9/23/04

Mike Jagan
Signature

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Arlington, VA 22313-1450

PETITION FOR REFUND

Dear Sir:

This is Applicant's second submission of this Petition for Refund originally filed on August 21, 2003 (a copy of which is included herewith).

This is a Petition for Refund of fees associated with submission of additional claims in excess of twenty (20) associated with the above captioned matter. Applicant requests a refund in the amount of \$324.00 be deposited to the credit card account

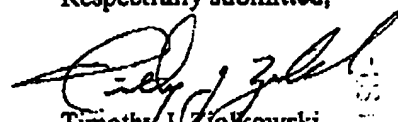
Docketed by: dlg

Date: 9-23-04

indicated in the Credit Card Authorization form submitted in the above captioned matter in the Response filed April 18, 2003.

The additional claims were submitted in response to the Examiner's indicated allowability of claims 2, 3, 4, 7, and 8. Applicant submitted new claims based on this allowability indication. The Examiner then rejected claims 22, 23, and 24 solely based on OMEGAMARKER®, a reference previously considered in the Office Action mailed February 27, 2003. The Examiner rejected claim 21 over OMEGAMARKER® further in view of Tabichnik but has rejected the original subject matter of claim 1 again based on OMEGAMARKER®. Under 37 C.F.R. § 1.26, "the Commissioner may refund any fee paid by mistake or in excess of that required." The claims for which refund is sought are the result of the Examiner's indicated allowability thereof. The fee was paid based on the Examiner's express indication of allowable subject matter, which was later revoked. The examination of the now cancelled claims was paid for in the original filing fee since they are merely rewritten in independent form. As such, applicant requests a refund in the amount of \$324.00 be credited to the credit account indicated above.

Respectfully submitted,



Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial 262-376-5139
tjz@zpspatents.com

Dated: September 23, 2004
Attorney Docket No.: ITW7510.008

P.O. ADDRESS:
Ziolkowski Patent Solutions Group, LLC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170

No. 8921 P. 8

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Patent
Attorney Docket No. JTW7510.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : Donatino, Victor I.
Serial No. : 09/581,353
Filed : December 18, 2001
For : DUAL TEMPERATURE INDICATOR STICK HOLDER
Group Art No : 2810
Examiner : Nguyen, M.

I hereby certify that, on the date shown below, this correspondence is being
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IT is submitted with the United States Patent Service to an appropriate addressee to the Commissioner for Patents, P.O. Box 1478,
Arlington, VA 22201-0478.
39 C.F.R. 1.600
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B Transmitted by facsimile to Fax No. 703-873-4255 addressed to Office of Patents (Patent Service) and Trademark Office.
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PETITION FOR REFUND

Dear Sir:

This is Applicant's second submission of this Petition for Refund originally filed on August 21, 2003 (a copy of which is included herewith).

This is a Petition for Refund of fee associated with submission of additional claims in excess of twenty (20) associated with the above captioned matter. Applicant requests a refund in the amount of \$724.00 be deposited to the credit card account

Page 01 of 02

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